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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,242	08/21/2003	Matthias Helmstetter	TRW(ASG)6703	7537

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EXAMINER

ENGLISH, PETER C

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/645,242	Applicant(s) HELMSTETTER ET AL.	
	Examiner Peter C. English	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20031113</u> . | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the gas bag module mounted to a vehicle part (claim 12, lines 1-2 and 7-8) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Specification

2. The specification is objected to because:

At page 6, lines 23-24 and line 28, it appears that "gas bag holding element 18" should be "generator holder 12". Note that the pins are formed as part of the holding element 18 and therefore do not extend through the holding element 18.

At page 7, lines 1-2, it appears that "gas bag holding element 18" should be "generator holder 12". See the above explanation.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification fails to provide adequate support for a method of mounting a gas bag module to a vehicle part using a drive screw (claim 12). The structure of the vehicle part is not described, nor is the manner in which the drive screw interacts with the gas bag module and the vehicle part.

4. Claims 6-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, at line 2, "sleeve-like" is indefinite because the addition of the work "like" to an otherwise definite expression extends the scope of the expression so as to render it indefinite. Note that "sleeve-like" also appears in claims 7-9.

In claim 6, at lines 2-3, "a drive screw" is indefinite because it is unclear what the relationship is between the drive screw of claim 6 and the drive screw of claim 1.

In claim 8, at line 2, "said drive screw" is indefinite because it is unclear whether this term refers to the drive screw of claim 6 or the drive screw of claim 1.

In claim 10, at line 3, "said drive screw" is indefinite because it is unclear whether this term refers to the drive screw of claim 6 or the drive screw of claim 1.

Claim 11 recites a specific set of elements (see lines 2-4), but then vaguely states that the drive screw is driven into "two parts to be attached to each other" (lines 6-7). It is unclear how the "two parts" of lines 6-7 relate to the elements recited at lines 2-4.

Claim 12 recites a specific set of elements (see lines 3-5), but then vaguely states that the drive screw is driven into "two parts to be attached to each other" (lines 7-8). It is unclear how the "two parts" of lines 7-8 relate to the elements recited at lines 3-5.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-8, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al. (EP 709259). Davis et al. discloses a gas bag module comprising plates 24 secured to a gas generator holder 12 by drive screws 30. The plates 24 are considered to be "gas bag holding elements", as is broadly claimed, since they serve to hold a gas bag within the gas generator holder 12. The module elements may be made of plastic or aluminum (see column 2, lines 5-6). The drive screws 30 could be molded integrally with (i.e., made of the same plastic material as)

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the plates 24 (see column 3, lines 22-28). Figs. 2 and 4-5 show drive screws 30 with sawtooth profiles 36, 50.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1, 2 and 4-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutherland et al. (US 6,250,665) in view of Seidl et al. (US 5,199,834) and Loudin et al. (US 4,263,833). Sutherland et al. discloses a gas bag module comprising: a reaction plate 28 supporting a gas generator 12; a plastic retainer 70 (see column 4, lines 20-21) having cylindrical extensions 64 extending through openings 74 in a gas bag 14 and openings 76 in the reaction plate 28; and screws 66 received in the cylindrical extensions 64.

Sutherland et al. lacks drive screws, and extensions with axial slits, detent shoulders and internal beads. Seidl et al. teaches a gas bag module having components secured together by a drive screw 20 (see column 6, line 52 to column 7, line 16). Loudin et al. teaches a drive screw 16 that is driven into a retainer 12. The retainer 12 has a cylindrical extension 14 with axial slits 30, detent shoulders 46 and internal beads (see Fig. 6A). From these teachings of Seidl et al. and

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Loudin et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sutherland et al. by replacing the screws with drive screws in order to simplify and speed up assembly. Further, it would have been obvious to modify Sutherland et al. by providing the extensions with axial slits, detent shoulders and internal beads, as taught by Loudin et al., in order to increase the strength of the connection.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sutherland et al. in view of Seidl et al. and Loudin et al. as applied to claim 1 above, and further in view of Davis et al. (EP 709259). The Sutherland et al., Seidl et al. and Loudin et al. combination lacks a reaction plate made of plastic. Davis et al. teaches that module elements may be made of plastic or aluminum (see column 2, lines 5-6). From this teaching of Davis et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Sutherland et al. by forming the reaction plate of plastic in order to reduce its weight.

Conclusion


11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. RD 370004 teaches a gas bag module including a drive screw connection. Hartmeyer teaches a plastic air bag retainer with cylindrical extensions that receive fasteners.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. English whose telephone number is 571-272-6671. The examiner can normally be reached on Monday through Thursday (7:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Peter C. English 6/13/05
Primary Examiner
Art Unit 3616

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13 June 2005